



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

76-225
(R76-33 F)
BRUCE E. BABBITT
ATTORNEY GENERAL

July 19, 1976

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Mr. J. William Brammer, Jr.
Attorney at Law
DeConcini, McDonald & Brammer, P.C.
901 Lawyers Title Building
Tucson, Arizona 85701

Dear Mr. Brammer:

You have asked whether the President of Tucson School District No. 1 can meet, pursuant to direction of the Board, with attorneys for the plaintiffs in executive session for the purpose of discussing settlement of litigation to which the school district is a party.

As you know, the Open Meeting Law requires "governing bodies" to meet in public at all times with certain exceptions not here applicable.

The phrase "governing bodies" is defined in A.R.S. § 38-431.1 as follows:

'Governing bodies' means the governing bodies of the state, political subdivisions, incorporated cities and towns, and all agencies, boards and commissions of the foregoing, or any committee or subcommittee thereof, which are supported in whole or in part by tax revenues or which expend tax revenues.

See Washington School District No. 6 of Maricopa County v. Superior Court of Maricopa County, 112 Ariz. 335, 541 P.2d 1137 (1975). ("The statute as amended forbids the members of a governing body from forming committees comprised of their own members which meet secretly to decide a particular matter and thereafter hold a public meeting to take the final necessary legal action.")

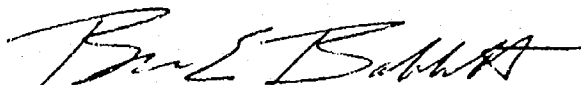
While it is by no means entirely clear, we believe that, in its most common meaning, the word "committee" should probably be construed to mean a sub-group of the governing body consisting of more than one member. Webster's New



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Collegiate Dictionary (1975 Ed.). Accordingly, it would appear permissible under the law for the President to meet, pursuant to direction of the Board, with attorneys for the plaintiffs for the purpose of settlement discussions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce E. Babbitt". The signature is fluid and cursive, with the first name "Bruce" and last name "Babbitt" clearly distinguishable.

Bruce E. Babbitt
Attorney General

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